

E AND R AMENDMENTS TO LB 432

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 69-1317, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 69-1317 (a) (1) Except as otherwise provided in this
6 subdivision, all funds received under the Uniform Disposition of
7 Unclaimed Property Act, including the proceeds from the sale of
8 abandoned property under section 69-1316, shall be deposited by
9 the State Treasurer in a separate trust fund from which he or
10 she shall make prompt payment of claims allowed pursuant to the
11 act and payment of any auditing expenses associated with the
12 receipt of abandoned property. All funds received under section
13 69-1307.05 shall be deposited by the State Treasurer in a separate
14 life insurance corporation demutualization trust fund, which is
15 hereby created, from which he or she shall make prompt payment of
16 claims regarding such funds allowed pursuant to the act. Transfers
17 from the separate life insurance corporation demutualization trust
18 fund to the General Fund may be made at the direction of the
19 Legislature. Before making the deposit he or she shall record
20 the name and last-known address of each person appearing from the
21 holders' reports to be entitled to the abandoned property, the
22 name and last-known address of each insured person or annuitant,
23 and with respect to each policy or contract listed in the report

1 of a life insurance corporation, its number, the name of the
2 corporation, and the amount due. The record shall be available for
3 public inspection during business hours.

4 The record shall not be subject to public inspection or
5 available for copying, reproduction, or scrutiny by commercial or
6 professional locators of property presumed abandoned who charge
7 any service or finders' fee until twenty-four months after the
8 names from the holders' reports have been published or officially
9 disclosed. Records concerning the social security number, date of
10 birth, amount due, and last-known address of an owner shall be
11 treated as confidential and subject to the same confidentiality as
12 tax return information held by the Department of Revenue, except
13 that the Auditor of Public Accounts shall have unrestricted access
14 to such records.

15 A professional finders' fee shall be limited to ten
16 percent of the total amount of the ~~property presumed~~ abandoned
17 or not yet abandoned property which is recovered or identified on
18 behalf of an owner. To claim any such fee, the nature and location
19 of the property, a notification of when such property was or will
20 be reported to the State Treasurer, and a notification that the
21 property can be claimed by the owner from the State Treasurer free
22 of charge must be disclosed to the claimant in writing by the
23 finder.

24 (2) The unclaimed property records of the State
25 Treasurer, the unclaimed property reports of holders, and the
26 information derived by an unclaimed property examination or audit
27 of the records of a person or otherwise obtained by or communicated

1 to the State Treasurer may be withheld from the public. Any record
2 or information that may be withheld under the laws of this state
3 or of the United States when in the possession of such a person
4 may be withheld when revealed or delivered to the State Treasurer.
5 Any record or information that is withheld under any law of
6 another state when in the possession of that other state may be
7 withheld when revealed or delivered by the other state to the State
8 Treasurer.

9 Information withheld from the general public concerning
10 any aspect of unclaimed property shall only be disclosed to an
11 apparent owner of the property, or to the escheat, unclaimed, or
12 abandoned property administrators or officials of another state if
13 that other state accords substantially reciprocal privileges to the
14 State Treasurer.

15 (b) (1) On or after October 6, 1992, the State Treasurer
16 shall periodically transfer any balance in excess of an amount not
17 to exceed five hundred thousand dollars from the separate trust
18 fund to the General Fund no less frequently than on or before
19 November 1 and May 1 of each year, except that the total amount of
20 all such transfers shall not exceed five million dollars.

21 (2) (i) On the next succeeding November 1 after five
22 million dollars has been transferred to the General Fund in the
23 manner described in subdivision (b) (1) of this section or (ii) on
24 November 1, 1996, whichever occurs first, and on or before November
25 1 of each year thereafter, the State Treasurer shall transfer any
26 balance in excess of an amount not to exceed five hundred thousand
27 dollars from the separate trust fund to the permanent school fund.

1 (3) On July 15, 2003, the State Treasurer shall transfer
2 two hundred thousand dollars from the separate trust fund to the
3 General Fund and one hundred thousand dollars from the separate
4 trust fund to the Treasury Management Cash Fund. On September 15,
5 2004, the State Treasurer shall transfer five hundred thousand
6 dollars from the separate trust fund to the General Fund.

7 (c) Before making any deposit to the credit of the
8 permanent school fund or the General Fund, the State Treasurer may
9 deduct (1) any costs in connection with sale of abandoned property,
10 (2) any costs of mailing and publication in connection with any
11 abandoned property, and (3) reasonable service charges and place
12 such funds in the Unclaimed Property Cash Fund which is hereby
13 created. Transfers from the fund to the General Fund may be made
14 at the direction of the Legislature. Any money in the Unclaimed
15 Property Cash Fund available for investment shall be invested
16 by the state investment officer pursuant to the Nebraska Capital
17 Expansion Act and the Nebraska State Funds Investment Act.

18 Sec. 2. Original section 69-1317, Reissue Revised
19 Statutes of Nebraska, is repealed.

20 2. On page 1, strike beginning with "state" in line 1
21 through line 5 and insert "the Uniform Disposition of Unclaimed
22 Property Act; to amend section 69-1317, Reissue Revised Statutes of
23 Nebraska; to change provisions relating to confidential information
24 and professional finders' fees; and to repeal the original
25 section."